

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DENEEN MARTIN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO.
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendant Wal-Mart, Inc. files this Notice of Removal in the United States District Court for the Southern District of Georgia, Savannah Division, and invokes this Court's jurisdiction over this matter on the following grounds:

1.

This personal-injury action was commenced on or about July 16, 2018 by the filing of the original Summons and Complaint in the State Court of Liberty County, Georgia, styled DENEEN MARTIN, Plaintiff v. WAL-MART STORES EAST, LP, Defendant, Civil Action File No. STSV2018-000130. Attached hereto as Composite Exhibit "A" are copies of all pleadings and orders served upon Defendant Wal-Mart Stores East, LP. in such action to date.

2.

This case is subject to removal under 28 U.S.C. § 1332.

3.

Wal-Mart Stores East, LP, is a Delaware limited partnership. WSE Management, LLC is the general partner of Wal-Mart Stores East, LP with its citizenship in Delaware and WSE

Investment, LLC is the limited partner of Wal-Mart Stores East, LP with its citizenship in Delaware. [See Exhibit “B”].

4.

WSE Management, LLC is a Delaware limited liability company. The sole member of WSE Management, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company. Wal-Mart Stores East, LLC’s parent company, and sole member, is Wal-Mart Stores, Inc., an Arkansas corporation. [See Exhibit “C”].

6.

WSE Investment, LLC is a Delaware limited liability company whose sole member is Wal-Mart Stores East, LLC, an Arkansas limited liability company. Wal-Mart Stores East, LLC’s parent company, and sole member, is Wal-Mart Stores, Inc., an Arkansas corporation. [See Exhibit “D”].

7.

Further, the sole member, and parent company, of Wal-Mart Stores East, LLC is Wal-Mart Stores, Inc., an Arkansas corporation. As such, there is complete diversity of citizenship between the parties to this action as required under 28 U.S.C. §1332. [See “Exhibit E”].

8.

Plaintiff is a Georgia resident. [See Complaint, ¶ 1.]

9.

With respect to removal on the basis of diversity jurisdiction, this removal is timely because it has been filed within thirty (30) days after receipt by Defendant, through service or otherwise, a copy of the initial pleadings setting forth the claim for relief upon which such action or proceeding is based.

10.

The amount in controversy between Plaintiff and Defendant exceeds the sum of \$75,000.00. Plaintiff's Complaint alleges that she suffered damages including past medical expenses in excess of \$197,369.80 plus past medical expenses and past and future pain and suffering. [Complaint, ¶19.]

11.

This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1332 (a) because complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00.


12.

By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant hereby gives notice of such removal to Plaintiff.

Wherefore, Defendant prays that this Court take cognizance and jurisdiction over this claim from the State Court of Liberty County, Georgia, and that this action shall proceed as removed and under this Court's jurisdiction under 28 U.S.C. § 1332.

This 21st day of August, 2018.

DREW, ECKL & FARNHAM, LLP



Jeffrey S. Ward
Georgia Bar No. 737277
Lisa N. Higgins
Georgia Bar No. 352020
Attorneys for Defendant

777 Gloucester Street
Suite 305
Brunswick, GA 31520
Jward@deflaw.com
Lhiggins@deflaw.com

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CERTIFICATE OF SERVICE

This is to certify that I have this day forwarded, via United States Mail, postage prepaid, a true and correct copy of the foregoing *Notice of Removal* to the following attorney, addressed as follows:

Seth M. Diamond, Esq.
Morgan & Morgan
25 Bull Street, Suite 400
Savannah, Georgia 31401

This 21st day of August, 2018.

DREW, ECKL & FARNHAM, LLP



Jeffrey S. Ward
Georgia Bar No. 737277
Lisa N. Higgins
Georgia Bar No. 352020
Attorneys for Defendant

777 Gloucester St., Ste. 305
Brunswick, GA 31520
(912) 280-9662
Jward@deflaw.com
Lhiggins@deflaw.com